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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 TORRANCE CARR, )  
13 Plaintiff, ) Case No.: 2:20-cv-01009-BNW  
14 vs. )  
15 ANDREW SAUL, )  
Commissioner of Social Security, )  
16 Defendant. )  
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) **DEFENDANT'S NOTICE REGARDING  
PRODUCTION OF CERTIFIED  
ADMINISTRATIVE RECORD**

1       Defendant, Commissioner of Social Security (Commissioner), by his undersigned attorneys,  
2 provides notice to the Court and Plaintiff that an electronic copy of the certified administrative record (e-  
3 CAR) has been prepared and can now be filed in this matter. However, the Commissioner advises the  
4 Court that, at this time, the Office of Appellate Operations (OAO) is not working at full capacity at its  
5 official worksite in Falls Church, Virginia. A limited number of staff is now permitted to physically enter  
6 the office to work on a very limited basis. While the e-CAR has been prepared, OAO is still unable to  
7 provide CD and hard copies of the CAR—which has typically been required in this Court—with any  
8 regularity, given the limited staff and overall volume of cases.

9       While the Commissioner typically files the e-CAR under seal, as required by the Court, this filing  
10 is only accessible to the Court and not by the parties through CM/ECF. However, it is Defendant's  
11 counsel's understanding that a new event has been added to CM/ECF which will allow the Commissioner  
12 to file the e-CAR under seal and all case participants will have access to the e-CAR. Accordingly, the  
13 Commissioner requests that he be permitted to file the e-CAR under seal using this new event ("Certified  
14 Administrative Record under seal") and be relieved of the requirement of preparing CD/hard copies of the  
15 CAR. This will allow Plaintiff to access the e-CAR through CM/ECF and for the case to move forward  
16 without delay.

17       If the Court does not wish to relieve Defendant of the requirement to prepare CD/hard copies of the  
18 CAR, the Commissioner sees no other option than to wait until OAO regains the capacity to provide these  
19 additional copies of the CAR, which would require seeking an extension for the Commissioner's deadline  
20 to respond to the Complaint, which is currently December 29, 2020. Defendant, however, is ready and  
able to move forward at this time by filing the e-CAR under seal on CM/ECF.

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1 Dated: November 16, 2020

Respectfully submitted,

2 NICHOLAS A. TRUTANICH  
3 United States Attorney

4 /s/ Allison J. Cheung  
5 ALLISON J. CHEUNG  
6 Special Assistant United States Attorney

7 The Court will permit defendant to file the e-CAR under seal using this new event ("Certified  
8 Administrative Record under seal"). However, the Court instructs defendant that in the future a request  
9 for court action must be styled as a motion, not a notice.

10 IT IS SO ORDERED:

11   
12 UNITED STATES MAGISTRATE JUDGE

13 DATED: November 20, 2020.

**CERTIFICATE OF SERVICE**

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **DEFENDANT'S NOTICE REGARDING PRODUCTION OF CERTIFIED ADMINISTRATIVE RECORD** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Marc Kalagian  
[marc.kalagian@rksslaw.com](mailto:marc.kalagian@rksslaw.com),  
Attorney for Plaintiff

Leonard Stone  
lstone@shookandstone.com  
Attorney for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 16, 2020

/s/ Allison J. Cheung  
ALLISON J. CHEUNG  
Special Assistant United States Attorney